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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. CR-09-0873 DLJ
	)	
Plaintiff,	)	<b>STIPULATION AND ORDER</b>
	)	<b>CONTINUING STATUS HEARING</b>
v.	)	
	)	Hearing Date: February 19, 2010
THOMAS BRIAN TRUONG,	)	Requested Date: March 5, 2010
	)	
Defendant.	)	
_____	)	

The above-captioned matter is set on February 19, 2010 before this Court for a status hearing. The parties jointly request that this Court continue the matter to March 5, 2010 at 9:00 a.m. and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), between February 19, 2010 and March 5, 2010.

This is a case charging distribution of steroids. The government has provided almost 400 pages of discovery as well as hundreds of e-mails attributed to Mr. Truong on a disc. The defense has been reviewing that discovery, which includes the results of a search of a computer seized in a search warrant. In addition, the government recently provided the defense with a work-product chart to assist in associating specific e-mails attributed to the defendant with each of the 41 counts of the indictment. The defense needs additional time to review and study this discovery. In addition, the parties are discussing a possible disposition. The defense recently

1 provided the government with a packet of information about Mr. Truong in hopes of resolving  
2 the case.

3 The requested continuance will allow the defense to further its investigation of the  
4 underlying facts of the case and to review necessary records. The failure to grant such a  
5 continuance would unreasonably deny counsel for the defendant the reasonable time necessary  
6 for effective preparation, taking into account the exercise of due diligence.

7 The parties further stipulate and agree that the time from February 19, 2010 to March 5,  
8 2010, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C.  
9 §§ 3161(h)(7)(A) and (B)(iv) for adequate preparation of counsel.

10  
11 February 16, 2010

\_\_\_\_\_  
/s/ Ned Smock  
NED SMOCK  
Assistant Federal Public Defender

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14 February 16, 2010

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/s/ Deborah Douglas  
DEBORAH DOUGLAS  
Assistant United States Attorney

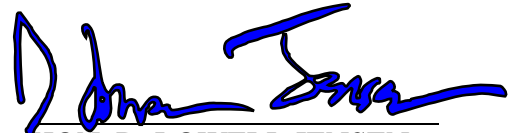
**ORDER**

Based on the reasons provided in the stipulation of the parties above, the Court hereby finds that the ends of justice served by the continuance requested herein outweigh the best interest of the public and the defendant in a speedy trial because the failure to grant the continuance would deny the counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court makes this finding because additional investigation and the review of records are necessary to the defense preparation of the case.

Based on these findings, IT IS HEREBY ORDERED THAT the STATUS hearing date of February 19, 2010 is continued to March 5, 2010 at 9:00 a.m. and that time be excluded from February 19, 2010 to March 5, 2010 pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

February 16, 2010  
Date

  
HON. D. LOWELL JENSEN  
United States District Judge